

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3415 of 2007()

CC.505/2007 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM

(CRIME NO.22/07 OF UDAYAMPEROOR POLICE STATION)

PETITIONER:

**SURESH, S/O. MANI,
AGED 30 YEARS, PULLIMOOTTIL HOUSE,
UDAYAMPEROOR P.O., MANAKKUNNAM VILLAGE,
ERNAKULAM DISTRICT.**

BY ADV. SRI.SHAIJAN C.GEORGE

RESPONDENTS:

**1. SANDHYA, W/O. SURESH,
AGED 26 YEARS, PULLIMOOTTIL HOUSE,
UDAYAMPEROOR P.O., MANAKKUNNAM VILLAGE,
ERNAKULAM DISTRICT.**

**2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

**BY ADV. SMT.SAJITHA GEORGE for R1
BY PUBLIC PROSECUTOR SRI. P.RAVEENDRA BABU**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J
= = = = =
Crl.M.C.No. 3415 of 2007
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Dated this the 15th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution under Section 498A IPC. The 1st respondent, the wife of the petitioner is the de facto complainant. Investigation was conducted by the Police. Final report was filed. Cognizance was taken and the matter is pending before the Additional Chief Judicial Magistrate, Ernakulam as C.C.No.505/2007.

2. The petitioner and the 1st respondent have come before this Court now to apprise this Court of the fact that they have settled the disputes and the 1st respondent has compounded the offence allegedly committed by the petitioner herein. Harmony has returned to the matrimony and the petitioner and the 1st respondent are residing together harmoniously, it is submitted. In these circumstances it is prayed that premature termination of the prosecution may be brought about by invoking the powers under Section 482 Cr.P.C.

3. The first respondent has entered appearance through counsel. An affidavit duly attested has been filed by the 1st

respondent. The affidavit shows that the matter has been settled between the parties. I am satisfied from the totality of materials available that the parties have settled their disputes amicably and harmoniously. If legally permissible, I am satisfied that the composition can be accepted and premature termination of the proceedings can be directed.

4. However, the offence under Section 498A I.P.C is not compoundable as per the stipulations under Sec.320 Cr.P.C. The learned counsel, in these circumstances, rightly relies on the decision in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386]. That decision is authority for the proposition that interests of justice may at times transcend the interests of mere law and on such occasions, the stipulations of Section 320 Cr.P.C. cannot be reckoned as a fetter on the width, sweep and amplitude of the powers under Section 482 Cr.P.C.

5. I am satisfied that this is an eminently fit case where the powers under Section 482 Cr.P.C as enabled by the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can and ought to be invoked to bring to premature termination the proceedings

which is now continuing.

6. In the result, this Criminal Miscellaneous Case is allowed. C.C.No.505/2007 pending before the Additional Chief Judicial Magistrate Court , Ernakulam against the petitioner under Section 498A is hereby quashed.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE